

CHURCH AND STATE

A MONTHLY REVIEW



VOL. 10 NO. 9

OCTOBER 1957

Haiti Treaty Withdrawn, POAU Stand Vindicated

The draft treaty of friendship, commerce and navigation between the United States and Haiti, pending since March 3, 1955, was withdrawn by resolution of the United States Senate on August 8 of this year in response to a request from the White House.

"The decision," according to a State Department letter of August 12 to POAU Executive Director Glenn L. Archer, ". . . was taken because of the fact that the treaty had been before the Senate for more than two years without action, owing to the opposition of several Protestant organizations," and also because of recent upheavals which have broken the stability of the Haitian regime.

A POAU 'Scoop'

Actually, Protestant organizations had been alerted to the dangerous omission of religious-liberty guarantees from the draft treaty by an exclusive *Church and State* story of May, 1955, in which correspondence on the subject between POAU Research Director Stanley Lichtenstein and the State Department's Howard A. Cook (chief of the Public Services Division) had been revealed for the first time.

After POAU broke the story, church leaders were quick to recognize the ominous precedent which might be established if the Haitian draft treaty were ratified as it stood. *The Christian Century* commented in an editorial of July 27, 1955:

". . . Omissions such as have been noted do not just happen—not in treaties between sovereign nations. And since Haiti is so dependent on the United States for its commercial welfare, it is not unreasonable to conclude that all protections of religious freedom were left out of this treaty because the United States

wanted them left out. Certainly if the U. S. had insisted on keeping them in, they would have been kept in.

"We do not know what the solution is of this mystery. But we will venture a guess. . . . The United States, said the Cook letter to Lichtenstein,

now has 'four or five' more treaties 'in an advanced stage of negotiation with other countries.' Some of those countries, we understand, make no constitutional provisions for religious liberty. One of the treaties, probably the most important of the lot, is said to be with Spain. A treaty with Spain containing the usual religious freedom clauses in standard U. S. treaties might, indeed, encounter real difficulties. But if a supposedly unim-

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State Department 'Explains' Nature Of Vatican State to POAU Official

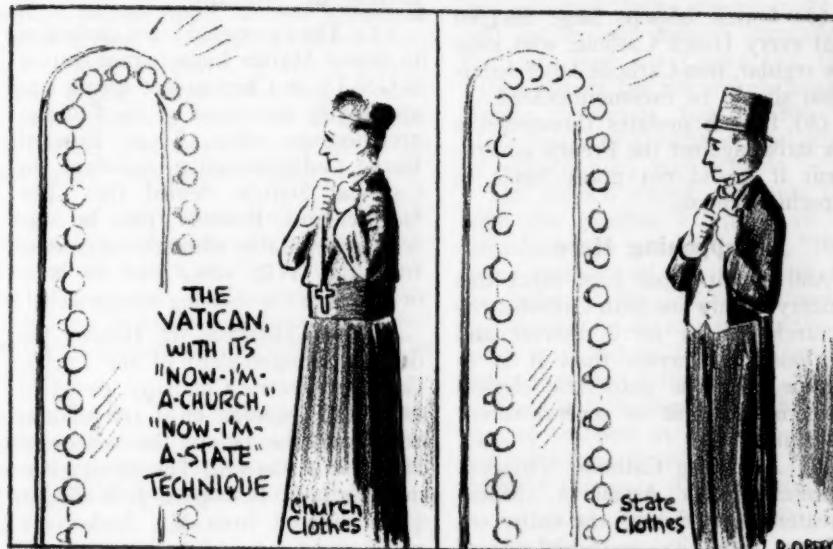
What has a bill and webbed feet like a duck, fur like a bear, a tail like a beaver, dives like a seal, burrows like a mole and lays eggs like a fowl? Answer: the Duck-Billed Platypus.

Zoologists, hard-put to classify this strange animal, would do well to call upon the services of the United States State Department, which has unhesitatingly classified another strange

entity, the "State of Vatican City." This latter phenomenon presents mixed characteristics as baffling as those exhibited by the platypus, but the State Department, in an exchange of correspondence with POAU, has handled the question with its accustomed suavity and poise—if not frankness. (It should be noted at this

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QUICK-CHANGE ARTIST



• Editorial •

Clerical Coercion

For many years American students of foreign affairs have known that the Vatican, when it acquires political power in a country, can be arrogant and ruthless in punishing its critics and opponents. Against governments and political parties it does not hesitate to use oblique threats of political disorder in behalf of "divine" and "ecclesiastical" law; and occasionally it uses excommunication and economic reprisal against rebellious individuals. The notorious example of Spain has tended to obscure the less notorious but almost equally objectionable pressure tactics used in several other countries.

In this last decade we have seen many evidences of Catholic clerical intimidation.

(1) A Brazilian cardinal threatened a national revolution if the parliament of his country adopted a divorce law.

(2) The Pope himself ordained the excommunication of every Italian Catholic who definitely cooperated with left-wing political parties against the Christian-Democrat (Catholic) Party in Italy—but he did not have the courage to carry out his own decree.

(3) Belgian bishops encouraged a demonstration-riot in the streets of Brussels, directed against a government that reduced the public appropriations to Catholic schools.

(4) A West German Catholic bishop has recently announced that no German can be a true Catholic if he votes in the coming national election against the Adenauer coalition and for the Social Democrats.

(5) Dutch bishops have decreed that every Dutch Catholic who joins the regular, non-Catholic labor federation should be excommunicated.

(6) French prelates threatened a tax strike against the French government if it did not grant funds to parochial schools.

Happening Here

And now it is our turn. Since this country is only one-fifth Catholic, the hierarchy is far more discreet and cautious in America than it is in Europe. But the autocratic clerical spirit is apparent in several recent incidents.

(1) A Roman Catholic "citizens" organization in Augusta, Maine threatened to "dump" the entire enrollment of the city's parochial schools

on the public schools within a week unless the city council granted their demands for public funds for bus transportation. The local hierarchy nominally abstained from endorsing the threat but the large measure of hierarchical encouragement was apparent. It was officially disowned when it appeared that the high-pressure tactics were doomed to failure. (Non-Catholic taxpayers have won the first two legal rounds in this fight.)

(2) The Roman Catholic hierarchy of Connecticut won a pressure-battle for public funds for its busses—by a margin of one vote in the assembly—when the three bishops of the state used the pulpits of all their denomination's churches for the reading of a threatening letter on the bus issue. While the letter adroitly avoided extreme language, its intent was apparent. It urged Catholics to "carefully observe" the action taken by each legislator on the bus bill and to act as Catholics "for the welfare of children." The open political boycott threat was printed in the diocesan press of Connecticut. It said: "A political issue can be controlled only at the polls."

'Bigot Calls'

(3) When Paul Blanshard appeared recently on "Night Beat" the WABD (New York) TV program, the Knights of Columbus staged an organized boycott with the purpose of keeping him off the air. The station notes that 187 calls, which it describes as "bigot calls," came in before Blanshard's appearance. All urged, in about the same language, that the station cancel the program. About 250 more "bigot calls" came in after the program.

(4) The successful bigot campaign to censor Martin Luther from station WGN-TV in Chicago last spring was apparently sponsored by the Chicago archdiocesan office. Msgr. Edward Burke, administrative assistant to Cardinal Stritch, denied this. The fact remains, however, that he was seen by reputable witnesses to emerge from the WGN office just an hour or so before the showing was canceled.

(5) In California Mr. Harold Anderson, vice-president of the Pacific Gas and Electric Company, dared to express an opinion on a referendum which will be before the voters of his state in the fall. The result: Roman Catholic Bishop A. J. Willinger (who differed from Mr. Anderson's view) came out with a threat to put

Mr. Anderson and his company out of business. Said Bishop Willinger, according to the *Fresno Bee*, June 7, "One may well wonder what our friend, Harold, would say were the people of the state to decide by popular vote to take over the P. G. & E. and its multi-million dollar profit and place them in the hands of the commonwealth."

Reports that Bishop Willinger urged consumers to cut down their use of electric power are apparently not true.

Blight

The Roman Catholic press frequently claims that such shocking examples of clerical pressure are only an exercise of freedom of speech. But where does this kind of "exercise" lead? It leads straight to the festering clerical control that has blighted Europe. Let us beware of "freedom of speech" that is the tool of clerical intimidation.

QUOTE OF THE MONTH

"As to the second part of your question—about the Protestant Chaplain inviting your boy to attend Protestant services—this need present no special difficulty. The rule is clear—your boy may not attend the Protestant services. Aside from the fact that there is danger of his losing his Faith, there is also the constant danger of his giving scandal by such action. . . ." —Father Conroy in "Our Sunday Visitor," August 25, 1957.

Church and State

Published Monthly (except August) by
Protestants and Other Americans United for
Separation of Church and State
Decatur 2-4044

1633 Mass. Ave., N. W., Washington 6, D. C.
Minimum Annual POAU Membership \$3.00,
\$2.00 of which is for Annual Subscription
to *Church and State*

Entered as Second-Class Matter at the Post
Office at Washington, D. C.
Member of Associated Church Press

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LOWELL NORTHWEST SCHEDULE

The current speaking schedule of POAU Associate Director C. Stanley Lowell is as follows:

Montana

Friday, September 27, Butte
Sunday, September 29, Missoula
Monday, September 30, Helena
Tuesday, October 1, Livingston
Wednesday, October 2, Billings
Thursday, October 3, Great Falls

Washington

Sunday, October 6, Spokane
Monday, October 7, Tri-city Area
Monday, October 7, Yakima
Tuesday, October 8, Wenatchee
Wednesday, October 9, Everett
Wednesday, October 9, Tacoma
Thursday, October 10, Seattle
Friday, October 11, Chehalis

Oregon

Sunday, October 13, Medford
Monday, October 14, Corvallis
Tuesday, October 15, Eugene
Wednesday or Thursday, October 14
or 15, Salem
Friday, October 18, Portland
Saturday, October 19, Portland

Others

Sunday, October 20, Sacramento, California
Monday, October 21, Salt Lake City, Utah

(Contact local ministerial and fraternal leaders for time and place of meetings or for possible changes in schedule.)

Baxter Seminary Examined On Church-State Tie-up

Dr. William A. Cook of the POAU staff visited Baxter Seminary (Methodist), Putnam County, Tennessee, in late July to study allegations of an unconstitutional tie-up between that institution and the state. The situation had been called to the attention of POAU by Fr. Paul H. Hallett, Associate Editor of *The Register*, a Roman Catholic publication.

Fr. Hallett had said in the conclusion of his editorial, *Page Glenn Archer*: "We may wait long if we await the righteous indignation of Mr. Archer . . . when (he) learns about the Baxter situation."

As soon as Fr. Hallett's article appeared, Mr. Archer requested a distinguished educator and member of the POAU staff, Dr. William A. Cook, to go to Tennessee and make a comprehensive survey of Baxter Seminary. Mr. Archer wrote Fr. Hallett: "You speak about having to 'wait long' for Mr. Archer to act in this situation. As you see, that will not be necessary. POAU is equipped to act promptly in cases where our cherished American principle is being violated. Within the limits of its budget and personnel, it does so."

Violation at Baxter?

Dr. Cook's study of Baxter Seminary revealed that Fr. Hallett's contentions, based on articles in the *Nashville Tennessean*, were faulty at certain points. His statement that "They teach a 'Bible course' parallel to catechetical instruction in a Catholic school," was discovered by Dr. Cook to be without substance. The "Bible course" offered at Baxter is simply the Bible Study authorized by the State Board of Education in 1935 and currently being offered in 75 to 100 public high schools throughout the state. Says Dr. Cook: (Fr. Hallett's) charge lies not merely against Baxter Seminary, but against the State Board of Education, and scores of city (public) high schools."

Dr. Cook's report indicates that with the possible exception of the president who is a Methodist, "there is no evidence of any sectarian test in choice of the faculty." Teachers are chosen for Baxter in exactly the same way and on the same basis as other teachers of the county.

The Cook findings reveal that salaries of teachers at Baxter Seminary are paid from state funds—a total of \$38,819 this year. The reason for the

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Presidential Unit Backs Tuition Tax Exemptions

Tax exemptions on college tuition payments have been proposed by a presidential advisory committee.

Revision of "the Federal revenue laws . . . , with appropriate safeguards, in ways which will permit deductions or credits on income tax returns by students, their parents or others who contribute [to their education]," was recommended by the President's Committee on Education Beyond the High School in its second report, transmitted to the White House on July 22. In so doing, the committee added to the confusion already prevalent with regard to Administration policy, for the Treasury Department had gone on record two years earlier against such tax exemptions.

Another part of the report ("Financing Higher Education") opened a door for government subsidization of sectarian institutions, among others, by recommending "Federal grants-in-aid on a matching basis . . . similar to those provided by the Hill-Burton [hospital construction] Act."

Congressman Eugene J. McCarthy, Democrat of Minnesota, had made political capital of this confusion in his remarks of June 20 on the House floor. He called attention to a May 11 address at De Paul University by Vice-President Nixon, in which the latter had advocated tax exemption for "tuitions and fees of both public and private [educational] institutions" (*Church and State*, June, "News From Far and Near"). Rep. McCarthy then quoted from a Treasury Department letter of July 7, 1955, to Chairman Jere Cooper of the House Ways and Means Committee, as follows:

"The proposed legislation has important implications for the fairness of the income tax . . . , since it would introduce an adjustment for an essentially personal expenditure. To the extent possible, income tax liability should be based on the taxpayer's net income and his family status without reference to his personal expenditures. Every departure from this principle reduces the amount of income subject to taxation, necessitating higher income tax rates generally than would otherwise be required to produce a given amount of tax revenue."

Sectarian Subsidies

Church schools would, of course, be prominent among those benefiting from the proposed tax favors to students and their parents. Proponents

of this indirect, but none the less illicit, form of government support of religious institutions invariably justify it on the theory that the aid is granted to individuals only, and not to the institutions, but the aid to the individuals and the aid to the institutions are, in truth, inseparable. Proponents also commonly cite the educational benefits of the G. I. Bill of Rights as a precedent. In so doing, they are indulging in the fiction that ordinary civilians pursuing peacetime educational careers are entitled to the same special rewards which Congress gave to servicemen whose educational careers had been interrupted by war. (See, for instance, *Church and State*'s analysis of Los Angeles Cardinal McIntyre's use of this argument, January, 1957.) On both the federal and state levels increasing pressure for such subsidies has resulted in a flood of bills which would provide the necessary funds, or extend this type of aid where it already exists—as in Minnesota (*Church and State*, April).

The 108-page report to the President was submitted in the name of a 35-member committee headed by Devereux C. Josephs, board chairman of the New York Life Insurance Company. Officials of a number of denominational colleges were on the committee—e.g., President Harold C. Case of Boston University (Methodist) and The Rev. Paul C. Reinert, S.J., of St. Louis University (Roman Catholic).

A final report is to be submitted by December 31, and the committee has invited "readers' comments and constructive criticisms of the Second Report," preferably by October 1. POAU has written to Chairman Josephs indicating its opposition to the committee's recommendation on the tax-exemption question.

Haiti Treaty

(Continued from page 1)

portant treaty could be ratified, say with some little country such as Haiti, which did not contain such clauses, then a precedent would be set. . . ."

Victory in the battle against ratification of the defective treaty appeared virtually assured last February when Religious News Service reported from Washington, in a story which did not mention POAU, that the State Department would not press for ratification "at this session." The Senate action now makes it official that the treaty is dead in its present form.

POAU expressed its approval of the withdrawal in letters of July 30

to President Eisenhower, Secretary of State John Foster Dulles and Senator Theodore F. Green, chairman of the Senate Foreign Relations Committee. Copies of the May, 1955 *Church and State* story were enclosed, and the recipients were asked to keep its analysis in mind "in connection with the drafting of any new agreement with Haiti." Senator Green replied on August 6, assuring POAU that this would be done.

Philippines Send First Full-Time Envoy to Pope

Over considerable opposition, the first full-time Filipino Ambassador to the Vatican was named in July. He was the seventy-year-old Jose Maria Delgado, physician and prominent Roman Catholic layman.

Dr. Delgado's predecessor, Dr. Manuel V. Moran, had been Ambassador to Spain as well as to the Holy See, and after his resignation in December, 1953 was replaced only by an envoy to Spain while the Vatican City post remained vacant. Diplomatic relations between the Philippines and the Vatican had been established in 1951, when Archbishop Egidio Vagnozzi was named Papal Nuncio (ambassador) to Manila.

The late President Ramon Magsaysay and his successor, Carlos P. Garcia, both favored filling the vacant post but had trouble mustering support for it. As the National Catholic Welfare Conference news service (NC) reported last May, "The Philippine Congress has pared the government's budget request for \$33,300 to establish an embassy at the Vatican to \$9,410, apparently obviating the possibility that an ambassador will be named in the near future."

President Garcia has now taken the step in spite of "the protests of some four million non-Roman Catholics," as Manila correspondent Cornelio M. Ferrer expressed it in *The Christian Century* of July 31. ". . . many non-Catholics saw in Garcia's move," Ferrer continued, "a bid for Catholic support of his campaign for the presidency in the November elections. Catholics hope that this recognition of the Vatican as a state will mean appointment of a Filipino cardinal. Defending the president's action, Narciso Pimentel, Jr., columnist and radio commentator, told the Knights of Columbus in Baguio City that Catholics may 'actively participate in politics without endangering the separation of church and state.' "

Vatican State

(Continued from page 1)

point that nothing in this article is intended to reflect on the character or morality of the Duck-Billed Platypus.)

'Spoiled Child'

The Department's lecture on the nature of the State of Vatican City was delivered in writing, in the form of a letter from its Legal Adviser, Loftus E. Becker, in answer to one sent to him earlier by POAU Research Director Stanley Lichtenstein. Lichtenstein, on July 17, had asked Becker to comment on a July 12 Religious News Service dispatch which attributed to State Department legal officials the view that the United States had "recognized the Vatican as a sovereign foreign state since the Lateran Treaty of 1929." Becker partially disavowed the remarks of "high-ranking officials" of the State Department's legal division which had been quoted by RNS, but went on to give a lengthy yes-and-no answer on the question of U. S. recognition of the Vatican as a state. To his contention that the Vatican is widely accepted as a member of "the family of nations," Lichtenstein retorted that "the position of special privilege" accorded to Vatican agents in the United States amounted to acceptance of the Vatican as a "spoiled child" in the "family." Some of the special privileges enjoyed by Vatican agents are:

- Exemption of Roman Catholic bishops from the requirements of the Foreign Agents Registration Act, despite their primary allegiance to the head of a foreign state.
- Retention of American citizenship while serving as papal nuncio (ambassador) to a foreign state (e.g., Archbishop Aloysius Muench, currently papal nuncio to Germany, and Archbishop Gerald P. O'Hara, formerly papal nuncio to Ireland).
- Voting in foreign elections—elections of new popes by the College of Cardinals in Rome—without losing American citizenship (e.g., Cardinals Spellman, McIntyre, Stritch).
- Operation of a separate (parochial) school system under control of a foreign state.

McCormack-Rooney Awards

The current discussion of the whole question was precipitated by a recent act of Congress authorizing Reps. McCormack (Mass.) and Rooney (N.Y.) to accept a papal decoration—implying recognition of the Vatican as a foreign state, since no Congres-

sional authorization would have been needed to accept a "church" decoration (*Church and State*, May, July and September). A revealing comment on the awards question was published on July 26 in *The New World*, official organ of the Roman Catholic archdiocese of Chicago. Said *The New World*:

"... They [McCormack and Rooney] demonstrated considerable wisdom by 'following the book' in turning the decorations over to the state department [sic] pending the consent of Congress.

"The Constitution made this procedure necessary for it states that 'no person holding any office of trust under the United States shall, without the consent of Congress, accept any present, emolument, office or title, of any kind whatsoever, from any king or prince of a foreign state.'

"Congress was forced to act. By signing the bill, the President recognized His Holiness, Pope Pius XII, as the head of a sovereign state. And so he is. Not only is he the spiritual ruler of 400 million Catholics, he is the temporal ruler of the sovereign state of the Vatican.

"The two positions can be separated, as the President admitted by signing the bill."

Disputed Points

Some highlights from the correspondence follow:

(Lichtenstein, July 17)

"... When the late President Roosevelt appointed Myron C. Taylor as his "personal" representative at the Vatican, he took the step in this form for the precise purpose of avoiding any determination of the "recognition" question. Later, when President Truman nominated a United States Ambassador to the Vatican—as distinguished from a "personal" representative of quasi-diplomatic rank—the people of the United States became so aroused that the nominee withdrew in order to avoid certain defeat. Thus, recent history forcefully demonstrates that major acts of recognition of the Vatican by the United States have proved to be unworkable. . . .

Everyone knows that a papal nuncio is directed by the Vatican, which conceives itself to be a "sovereign state" as well as a church, to represent it in foreign capitals in the same way that other "nations" employ ambassadors to represent them. Frequently, the Vatican's envoy is recognized as dean of the diplomatic corps in the capital in which he serves. The United States, so long as it is true to its own fundamental principles of government, cannot give its own "recognition" to the union of church and state upon which the Vatican insists in its foreign dealings.

There is, in short, an inescapable conflict between the fundamental tenets of the

United States Constitution and any law such as the one authorizing Congressmen McCormack and Rooney to wear a decoration as papal "subjects." The American people have convincingly demonstrated that they want the conflict to be resolved in favor of the Constitution, not in favor of the inconsistent laws. . . .

Department Replies

(Becker, July 29)

It is not known who the "high-ranking officials" referred to in your letter are. In any event, it does not appear that anybody in the Office of the Legal Adviser made the precise statements referred to in your letter.

So far as the first proposition goes, it is true only in the sense of recognition of the fact, acknowledged by all leading authorities on international law, that the State of Vatican City is a sovereign state which became a formal member of the family of nations by virtue of the Lateran Treaty of 1929. . . . However, the United States has never extended formal recognition to the State of Vatican City or to its Government. . . .



POAU Speakers Strive

To Meet Heavy Demand

Having fulfilled recent engagements in California, Indiana, Maryland, Massachusetts, Michigan, New York and Ohio, POAU speakers are preparing to meet even heavier schedules as this issue of *Church and State* goes to press—engagements which will take them to California, Georgia, Illinois, Montana, New Mexico, North Carolina, Oklahoma, Pennsylvania, Texas, Utah, Washington and Wyoming.

In September, Executive Director Glenn L. Archer spoke in the Delaware Avenue Baptist Church of Buffalo, N. Y., and at the national meeting of the Southern Baptist Brotherhood in Oklahoma City, Okla., while Associate Director C. Stanley Lowell and Special Counsel Paul Blanshard appeared at meetings in Boston, Mass. Future engagements include:

Archer, October 3-23: Baptist Convention, Casper, Wyo.; Los Angeles, Calif., area meetings; Amarillo, Tex.; and Eunice, N. M. (State Baptist Convention).

Lowell, September 29-October 29: meetings in Massachusetts, Montana, North Carolina, Oregon and Washington.

Organization Director John C. Mayne, October 1-November 1: meetings in Georgia, Illinois and Pennsylvania.

Spanish Baptist Couple Prevented from Marrying

The long-heralded "liberalization" of Spain's civil marriage laws—in reality, the laws of the Roman Catholic Church as given legal sanction by the state—has not come to pass. *The Sentinel* of Toronto, Canada, reported in its July 4 issue that a Baptist minister and his fiancee, who had filed the first application for a civil marriage under the state's decree of last fall (*Church and State*, December, 1956), were denied a marriage permit on the authority of the Archbishop of Madrid-Alcala. In reporting the incident the *Sentinel* observed:

"The new decree says that Spanish couples seeking to contract civil marriage must prove by signed declarations and an affidavit that they do not profess the Roman Catholic religion. The couple lodged such documents with the municipal official of Villaverde, who forwarded them for an opinion to the local Roman Catholic diocesan headquarters.

"There the Archbishop of Madrid-Alcala ruled that, though the applicants declared they have abandoned the Roman Catholic Church, they admit that they were baptized Roman Catholics, and therefore cannot validly contract marriage except in the 'canonical form.'

"To back up his ruling, the prelate cited the concordat signed between Spain and the Vatican in 1953."

Church and State presented a detailed analysis of the concordat in October, 1953, and POAU later published the entire text of the church-state pact under the title, *Unholy Alliance*. To obtain a copy, send 10c to POAU today.

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World Council Weighs Religious Liberty Issue

On August 6, 1957, the central committee of the World Council of Churches, meeting in New Haven, Conn., forthrightly faced the problem of religious liberty for Protestants in Roman Catholic-dominated lands—almost.

A report on the problem which was a cross between a slap on the wrist and a chuck under the chin, had been submitted by Dr. John Baille of Edinburgh, chairman of the committee that drafted it. The report called "inadequate" by Dr. H. C. W. D'Espine of Geneva and "timid and tepid" by

Dr. K. Slack of London, hinted that "remedial action" had already occurred in Colombia, South America. "If we speak too roughly," Dr. Baille had added, "it would be damaging rather than helpful."

This was too much for Methodist Bishop Sante Uberto Barbieri of Buenos Aires, who has lived for so long under the repressive power of Roman clericalism. In an impassioned address Bishop Barbieri said: "I have been pleading for many years for the World Council to stand up in defense of liberty in these Roman Catholic countries." One of the six presidents of the World Council, Bishop Barbieri went on to tell his rapt colleagues that religious minorities are oppressed "wherever the Roman Catholic Church is dominant."

"We should not keep silent . . ." he said. "We should state the facts of the struggle and insist that the Roman Catholic Church have the same respect for Protestants we have for it."

Dr. John Mackay, President of Princeton Theological Seminary and one of the Vice-Presidents of POAU, quickly got the floor and urged that the Council study fully the question raised by the bishop. Said Dr. Mackay: "The World Council one day must settle down and formulate a doctrine of religious liberty which this movement stands for, and take serious issue with the doctrine of Rome which is totally contrary to it." Dr. Mackay added that religious liberty "means more" at present in Communist Czechoslovakia and Hungary than in predominantly Roman Catholic Spain and Colombia.

Moving in to stem the tide for a frank pronouncement were Bishop Angus Dun of Washington, D. C. and Lutheran Bishop Hanns Lilje of Germany. They strongly opposed any criticism of Roman Catholic suppression of Protestant minorities. With the Council seriously divided, a resolution presented by Dr. Geoffrey Francis Fisher, Archbishop of Canterbury, finally prevailed. His resolution was "that the executive committee be asked to arrange for studies to be made of the problem of religious liberty arising in Roman Catholic countries."

Some of the Council members felt that if the situation did not improve in Spain and Colombia by the time of the next session that an explicit denunciation of religious oppression by the Roman Catholic hierarchy could no longer be suppressed.

Spoken or Silent Grace Barred in Jersey School

The saying of grace before lunch, either spoken or silent, in two elementary schools of Edgewater Park, New Jersey, was held to be illegal by Attorney General Grover C. Richman, Jr. His apparently extreme interpretation of New Jersey law was called "ridiculous" by Mrs. Mildred Magowan, supervising principal of the schools.

Mr. Richman insisted, however, that he had no alternative under the law. He took the position that the saying of grace was a "religious exercise" and the only religious exercises which were permissible in the public schools of New Jersey were those specifically mentioned in state law. These are two in number—the reading of five verses of the Old Testament and the repeating of the Lord's Prayer. Either or both of these practices, he said, would be legal as a substitute for the saying of grace. His ruling came as a result of a protest by James O'Shea, a resident of the township.

Angry residents had circulated a petition urging that the practice, suspended following the protest, should be resumed. It was resumed until terminated by the Attorney General's ruling.

"Personally I am in favor of saying grace in our public schools," Mr. Richman explained, "but . . . the statute gives me no other alternative." The New Jersey official has taken leadership in preparing a statute for the attention of the Legislature which will permit the saying of grace by pupils in public schools.

At no time did Mr. Richman discuss the relation of saying grace at meals to article 1, section 3 of the New Jersey constitution which provides that "no person shall be deprived of the inestimable privilege of worshiping Almighty God in a manner agreeable to the dictates of his own conscience."

Meanwhile Roman Catholic leaders were expressing resentment that the World Council should have presumed to mention the matter at all. Even the toned-down resolution of Dr. Fisher asking that the matter be investigated aroused anger, according to a news release from the National Catholic Welfare Conference. (*Washington Star*, August 9, 1957.) The release said: "The final resolution singling out Catholic countries for investigation will have an unfortunate effect."

Baxter Seminary

(Continued from page 3)

payments is that since there is no public high school in that end of the county, Baxter Seminary is "hired" by the County Board to educate county pupils. The allowance for teachers' salaries is made on the same basis as that followed throughout the state. The salaries are paid to the teachers, personally—not to Baxter Seminary. In addition, there is a per pupil allowance paid to Putnam County by the state which amounted to \$3,239 for pupils schooled at Baxter. This amount was not paid directly to the seminary. Payment was made in this way: when Baxter came to reimburse the state for about 40 out-of-state pupils enrolled at the seminary, it simply deducted from its check the \$3,239 item which the state had not paid. The sum of \$42,058 thus seems to be the amount paid from state funds for Putnam County pupils being educated at Baxter.

Fr. Hallett's statement that "\$1,037,052 is the amount every reader of this column . . . must help pay for the support of Baxter," is entirely in error. This figure represents the entire Putnam County school budget!

Crux of Problem

The arrangement between Baxter and the County School Board is based on Section 139 of the Public School Laws of Tennessee which empowers the county board of education "to make contracts with the proper authorities of private schools, or with city boards of education whereby the county high school may be taught in said private or city schools." This proviso has been interpreted as including sectarian schools, though the attorney general has never ruled on the point.

There is no question but that Baxter Seminary has given the state full value for value received. Dr. Cook shows that, when the item of rent or amortization of buildings is considered, it is clear that Putnam County is getting by much more cheaply by using Baxter's facilities than by constructing its own. It would thus appear that Baxter Seminary is actually "saving the tax-payers money"—a familiar argument for state-sectarian tie-ups.

There has apparently never been any protest about the arrangement from within Putnam County. Fr. Hallett's complaint to POAU is the first protest of any kind that has come to our attention. While the lack of sectarian strife over the Baxter operation

is good, this, of course, does not validate the operation.

The crux of the matter undoubtedly lies in the inter-locking of church and state in the operation of Baxter Seminary. There is an interlocking in the matter of engaging teachers. There is an interlocking in the Boards of the seminary and the county schools. There is an interlocking in finances in that state funds are used to pay teachers who serve under sectarian leadership. This is true despite the fact that the state pays no money directly to Baxter. While such arrangements have been tolerated under the state law cited above, it is doubtful whether they could stand court test in the light of the Tennessee constitution and the first amendment to the federal constitution. This, too, is worth mention, that a school of any other denomination, similarly qualified, would be as entitled to enter into a like arrangement with the County Board. This could become very complicated. Some plan for the severance of these relationships between the County Board and Baxter Seminary would seem to be called for in the interest of maintaining Church-State separation.

A hopeful note for the Baxter problem was sounded by news of the solution of a similar problem at Harrison-Chilhowee Baptist Academy. At the Baptist institution it has been decided to terminate a long-standing arrangement whereby state allowances were received on behalf of county students schooled at the academy. POAU had been interested in the negotiations leading to this decision.



Clerical Pressure May Save Fordham Subsidy

The Lincoln Square redevelopment project with its hidden multi-million dollar subsidy to Fordham University and St. Matthew's parish (both Roman Catholic) seems all set for speedy consummation as this story goes to press. The two sectarian institutions are scheduled to reap the lucrative benefit by being included in a general \$200 million redevelopment scheme under Title I of the National Housing Law.

The subsidy had seemed endangered at an earlier date when Albert M. Cole, Federal Housing Administrator, apparently disturbed at the low re-sale price to Fordham, had called for a new appraisal. The land cost the government about \$20 per

foot. Fordham bid \$5 per foot for its re-sale price. The appraisers of Robert Moses, chairman of the Committee on Slum Clearance, fixed the re-sale price at \$6.75 per foot.

Cole vs. Moses

Faced with the prospect that his Fordham friends might have to pay something in the vicinity of a fair price for their new campus, Mr. Moses swung into action. He bitterly assailed Mr. Cole as a "bigot" for having pointed out that there is "nation-wide public concern that a religious institution (Fordham) might be publicly subsidized . . ." Said Mr. Moses: "There is no place for bigotry and ignorance in slum clearance."

Then Mr. Moses took another step in his battle for the Fordham subsidy. According to *The New York Herald Tribune* of July 30 and *The New York Times* of July 31, he called his friends at Fordham and urged them to go to Washington and bring pressure to bear directly on President Eisenhower. The President was asked to over-rule his own appointee and also the provisions of the law.

Within ten days Mr. Cole hastily changed his mind. He said there wouldn't have to be another independent appraisal, after all. He said that the same appraisers who had made the original appraisal could make another one.

Mr. Moses was jubilant. He had licked everybody. He couldn't help bragging. In a restrained comment on August 9 the *Times* said: "Mr. Moses hinted that the withdrawal of the demand for new appraisers was connected with visits or calls to Washington by some influential backers of the project."

Not Out of the Woods

Mr. Moses and Fordham were not quite out of the woods, however. There still remained the New York Chapter which continued its dogged fight to arouse the public to the Fordham-St. Matthews give-away. It was this group that first raised the church-state issue in connection with the project. There also remained the doughty Harris L. Present, chairman of the Council on Re-location Practices, who has fought the entire Lincoln Square project from the first. He, too, in his court appearances, has raised the church-state question. Mr. Present intended to appeal his cases in the State Supreme Court. The suits were originally dismissed as "premature." Apparently the project had to go through before a legal test was possible.

Frank Nelson Becomes West Coast POAU Director



Nelson



Eytel

The appointment of Rev. Frank Hobart Nelson of Pasadena as director of the west coast regional office of POAU located in Los Angeles, was announced on August 15 by Executive Director Glenn L. Archer. Commenting on the appointment Mr. Archer said: "This marks a new stage in the development of the national organization."

Mr. Nelson is a Presbyterian minister who has rendered distinguished service in the parish as well as in connectional church activities. He was an associate of Dr. Daniel A. Poling, predecessor of Dr. Norman Vincent Peale, in the ministry of Marble Collegiate Church, New York City. He has recently been serving as Associate Secretary of the Los Angeles Church Federation.

In his acceptance statement Mr. Nelson emphasized that he would take "a political-science, not a religious-virus, approach to the problems of Church-State relations."

Mr. Archer also announced that William Eytel who has been in charge of the Los Angeles office, will continue his distinguished service to POAU as associate to Mr. Nelson.



Jesuits Get TV Channel; Alien Control Charged

Television Channel 4 at New Orleans has been awarded to Loyola University, a Jesuit institution, by the Federal Communications Commission, but an appeal has been taken by both of the unsuccessful applicants, James A. Noe & Co. and The Times-Picayune Publishing Co., to the United States Court of Appeals for the District of Columbia. There is a possibility that POAU may participate in the appeal in the role of *amicus curiae* with one of the litigants, James A. Noe, since Noe's attorneys have raised a pertinent

church-state issue. The appeal will be argued this fall.

As to the question of control of the station, the Noe appeal points out that according to the Jesuit station's charter all seven directors must be members of the Society of Jesus. Three of these are appointed by the president of Loyola; four others are directors *ex officio*, being respectively the president, vice-president, secretary and treasurer of the University.

Since the Society of Jesus is both foreign and authoritarian in its rule, attorneys for Noe argue in their notice of appeal that all seven directors are under the actual control of a Belgian, the Superior-General of the Jesuits, whose headquarters are in Rome. They point out that the total membership of the Society of Jesus is approximately 32,000 and that only about 7,500 Jesuits reside in the United States. Thus the Society is predominantly an alien organization.

The Noe appeal is based primarily upon that section of the Communications Act which forbids the granting of a license to an "alien or the representative of an alien." This provision has been strictly enforced against a small station owned by a minor Mormon sect which had one Canadian director, but neither the FCC nor the courts have yet compelled the Vatican or its agencies to conform to this section of the law.

One of the issues indirectly at stake in the appeal is the legal right of the Jesuits to establish a chain of television and radio stations under their control. During the last year they have attempted to secure permanent television licenses in both New Orleans and St. Louis, but they were denied their application in St. Louis by the Commission, and originally a Commission examiner recommended denial in New Orleans also. But the examiner's decision in respect to New Orleans was overruled by the Commission itself without a specific analysis and judgment on the "alien" issue. The Noe attorneys, headed by Warren Woods of Washington, are prepared to take the issue of the alien character of the Jesuits, if necessary, to the United States Supreme Court.

CHURCH AND STATE

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